



Texas Radiation Advisory Board

Michael Ford, C.H.P.
Chair

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February 12, 2003

Representative Arlene Wohlgemuth
Chair, Subcommittee on Health & Human Services
Committee on Appropriations
P.O. Box 2910
Austin, TX 78768

Dear Chairman Wohlgemuth:

The Texas Radiation Advisory Board (TRAB), in its statutory role of reviewing and evaluating the radiation programs of the state, would like to make several recommendations that we believe are essential to continuing the successful radiation control efforts in Texas.

As you know, primary state radiation control functions are conducted through the Texas Department of Health by its Bureau of Radiation Control (BRC). The BRC ensures effective regulation of sources of radiation in order to protect the health and safety of occupational workers and the public, and the environment. We understand that your subcommittee will be conducting hearings on the appropriations that impact this regulatory program.

The BRC is responsible for:

- Licensing of radioactive materials including assessment of environmental impacts
- Registration of radiation-producing equipment
- Inspection of licensees and registrants
- Development and enforcement of rules
- Emergency response activities
- Environmental monitoring
- Public education

Because the BRC collects 100% of its costs in fees from licensees and registrants, we believe our recommendations for this essential program can be accomplished without negative impact on the state's budget.

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Through inspection, the BRC verifies that radioactive materials are properly handled, controlled and isolated from the public and environment, and ensures that patients, employees and the public are not being over-exposed in medical environments. BRC trains first responders for radiological accidents and also responds to radiological emergencies with trained teams from the BRC who regularly rehearse in emergency response exercises for the state's two nuclear power plants. Needless to say, these roles in maintaining the security of radioactive materials and response capabilities for radiological accidents have heightened significance in today's world.

As you can see from the duties and responsibilities described, maintaining and operating this bureau at a consistently high level of expertise and efficiency is of utmost importance to the state. The TRAB has identified several key factors for continuing the radiation safety efforts in Texas and has made recommendations on several of them. At this time, we would like to consolidate several of our recommendations because we believe all of these issues must be considered in combination in order to address efficiency, performance and the appropriate level funding. I am including these recommendations in the enclosed statement from the board, passed at its July 20, 2002, meeting.

Please contact me at 806-477-5727 if you would like to discuss these or any other radiation issues that our state faces.

Sincerely,

Michael S. Ford, C.H.P.

Chair

cc: Representative Warren Chisum

**Elements Essential for Continuing the Successful Radiation Control Efforts in Texas by the Texas Department of Health, Bureau of Radiation Control
Recommendations of the Texas Radiation Advisory Board Adopted July 20, 2002**

1. Legislative Appropriations Request (LAR) for 2004-2005.

The TRAB recommends the appropriation request for radiation control be maintained at least at the funding level of FY 02-03. Because this program collects 100% of its costs in fees from licensees and registrants, we believe maintaining this program at the current level will not negatively impact the state's budget.

2. Other funding issues

a. Increase health physicist staff salaries by funding reclassifications

The TRAB has previously recommended and would like to reiterate that the State of Texas faces a critical shortage of trained health physicists and that state salaries are not competitive with other organizations employing similarly qualified individuals. Additionally, the BRC has a large number of employees who are already, or will soon be, eligible for retirement. We believe increasing funding for reclassifying health physicists at higher salary levels would help to alleviate the recruitment and retention problems the BRC is experiencing.

b. Nonionizing program

The TRAB has previously recommended and would like to reiterate that the State of Texas should fund a regulatory program for sources of nonionizing radiation (e.g., lasers). Current funding and staffing does not permit comprehensive regulation of these sources of radiation that are growing in number, technical complexity and associated risk. Because this program would collect 100% of its costs in fees from registrants, we believe the impact to the state would be revenue neutral.

For both these funding issues, TRAB acknowledges that the funds would be obtained through fees and the impact to the state would be revenue neutral.

3. FY 2003 Texas Department of Health budget for the Bureau of Radiation Control

TRAB recommends the funding level be maintained as supported by fees. Specifically, the TRAB is concerned that those fees *paid by licensees and registrants* (near 100% reimbursement level) *should be used for radiation control functions, as was the intent in their collection in Chapter 401 of the Health and Safety Code Section 401.301(b) and 401.302.*

4. Consolidation of functions at TDH (Human Resources, Budget/Accounting, Purchasing, Information Technology)

[Action has already been taken in the area of this recommendation]

5. Legislative initiatives

- a. Mammography fees

TRAB recommends the cap on Certificate of Mammography Systems Account No. 5021 be raised. Texas Department of Health BRC should be appropriated the additional fees generated by Certification of Mammography Systems and Accreditation of Mammography Facilities. Because this program would collect 100% of its costs in fees from registrants, we believe the impact to the state would be revenue neutral.

- b. Radiation Perpetual Care Fund

TRAB recommends recreation of a Radiation Perpetual Care Fund and appropriation to the Texas Department of Health of the fees collected under Section 401.301, Health and Safety Code, Subsection (d) and (e) and penalties collected under Section 401.384-401.390, Health and Safety Code.

TRAB believes the above recommendations, when considered in combination, are the key factors for continuing the essential radiation safety efforts in Texas.